

M/035/0015
cc: Leslie



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

June 22, 2011

Regulatory Division (SPK-2009-1213)

RECEIVED
JUN 27 2011
DIV. OF OIL, GAS & MINING

Mr. John R. Baza, Director
Utah Department of Natural Resources
Division of Oil, Gas and Mining
Post Office Box 145801
Salt Lake City, Utah 84114-5801

Dear Mr. Baza:

In accordance with the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps), Sacramento District, is preparing an Environmental Impact Statement (EIS) to evaluate the effects of the proposed Kennecott Utah Copper LLC (Kennecott) Tailings Expansion Project near Magna, Salt Lake County, Utah.

The EIS will be the basis for the Corps' decision to issue or deny a Department of the Army permit to Kennecott under Section 404 of the Clean Water Act. The projected date for public release of the draft EIS is April 30, 2012. Additional information regarding the proposal and scheduled public scoping meetings is presented in the enclosed copy of the Notice of Intent (NOI) published in the Federal Register on June 13, 2011.

As lead agency, the Corps requests that your agency participate as a cooperating agency in the preparation of the EIS pursuant to 40 CFR 1501.6. As described in the regulation, upon request of the lead agency, any other Federal agency which has *jurisdiction by law* shall be a cooperating agency. In addition, any other Federal agency that has *special expertise* with respect to any environmental issue, which should be addressed in the statement, may be a cooperating agency upon request of the lead agency. The Council on Environmental Quality issued guidance recommending that affected state, tribal, and local agencies are included as cooperating agencies. An agency may also request the lead agency to designate it a cooperating agency. The responsibilities of a cooperating agency are described in 40 CFR 1501.6.

As a cooperating agency, your role would include:

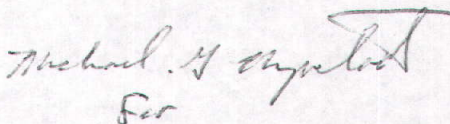
- Participating in joint public involvement activities;
- Consulting on technical studies relevant to the project;
- Reviewing project information including study results and agreeing on a time frame for your review;
- Expressing your views on subjects within your jurisdiction or expertise;
- Reviewing pre-draft environmental documents and providing clear comments that reflect your agency's concerns; and
- Identifying EIS content necessary to discharge your NEPA responsibilities.

In preparing the EIS, we will provide for several opportunities for interested parties to provide written and oral comments. Affected Federal, State, local agencies, Indian tribes, and other interested private organizations and the general public are invited to participate in the upcoming scoping meetings (see enclosed NOI).

If your agency chooses to be a cooperating agency for this EIS, please send a letter confirming your decision by July 15, 2011. If your agency does not choose to be a cooperating agency, we request you provide initial written comments on the proposed project. Your agency reply should be sent to our Utah Regulatory Office (Attn: John Urbanic), 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Please reference identification number SPK-2009-1213.

We look forward to your response to this request. If you have any questions or would like to discuss the project or respective roles and responsibilities during the preparation of this EIS, please feel free to contact Mr. John Urbanic at (801) 295-8380, extension 11, or by email john.e.urbanic@usace.army.mil,

Sincerely,



Michael S. Jewell
Chief, Regulatory Division

Enclosure

Dated: June 2, 2011.

Andrew B. Kiger,

Lieutenant Colonel, U.S. Army, District Engineer.

[FR Doc. 2011-14560 Filed 6-10-11; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of a Final General Conformity Determination and Record of Decision for the San Pedro Waterfront Project, Port of Los Angeles, Los Angeles County, CA

AGENCY: Department of the Army—U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: In September 2009, the Los Angeles District of the U.S. Army Corps of Engineers (Corps) and the Los Angeles Harbor Department published a joint final Environmental Impact Statement/Environmental Impact Report (EIS/EIR), including the Corps' draft general conformity determination (Section 3.2 and Appendix D.7), for the Federal action associated with the San Pedro Waterfront Project (Project) in the Port of Los Angeles, Los Angeles County, California. Comments were received on the final EIS/EIR and included draft general conformity determination until October 29, 2009. A general conformity determination was necessary because Project construction would require Federal action (*i.e.*, issuance of a Corps permit for work and structures in and over navigable waters, discharges of fill into waters of the U.S., and transport and disposal of dredged material in ocean waters) and not all the Federal action's direct and indirect emissions would be below specified de minimis thresholds (40 CFR 93.153(b)). On May 9, 2011 and May 11, 2011, the Corps made a final general conformity determination and completed its environmental review and executed the Record of Decision (ROD), respectively, for the Federal action associated with the Project. The Corps considered and responded to all comments received in making the final general conformity determination and executing the ROD.

The public can request copies of the final general conformity determination document or the ROD from the Corps at the address listed below, or can view or download the final general conformity determination document from the Corps' Web site (<http://www.spl.usace.army.mil/regulatory/POLA.htm>, scroll down to the link under San Pedro Waterfront [formerly

Bridge to Breakwater]) or the Port of Los Angeles' Web site (http://www.portoflosangeles.org/environment/public_notices.asp, scroll down to link under San Pedro Waterfront Project). In addition, copies of the final general conformity document are available for review during the next 30 days at the following libraries: L.A. Public Library, Central Branch, 630 West 5th Street, Los Angeles California; L.A. Public Library, San Pedro Branch, 931 South Gaffey Street, San Pedro, California; and L.A. Public Library, Wilmington Branch, 1300 North Avalon, Wilmington, California.

FOR FURTHER INFORMATION CONTACT:

Questions or comments concerning the final general conformity determination or the ROD should be directed to Dr. Spencer D. MacNeil, Chief of the Transportation and Special Projects Branch, Regulatory Division, U.S. Army Corps of Engineers, 2151 Alessandro Drive, Suite 110, Ventura, California 93001, (805) 585-2152.

SUPPLEMENTARY INFORMATION: None

Dated: June 3, 2011.

David J. Castanon,

Chief, Regulatory Division, Los Angeles District.

[FR Doc. 2011-14587 Filed 6-10-11; 8:45 am]

BILLING CODE 3710-58-P

DEPARTMENT OF ENERGY

[FE Docket No. 11-59-LNG]

Lake Charles Exports, LLC; Application for Long-Term Authorization To Export Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on May 6, 2011, and amended on May 26, 2011, by Lake Charles Exports, LLC (LCE), requesting long-term, multi-contract authorization to export up to 15 million metric tons per annum (mmta) of domestic natural gas as liquefied natural gas (LNG) for a 25-year period, commencing the earlier of the date of first export or ten years from the date of issuance of the requested authorization. LCE seeks authorization to export LNG from the terminal in Lake Charles, Louisiana ("Lake Charles Terminal")¹ to: (1) Any

¹ The Lake Charles Terminal is an existing LNG import facility located in Cameron Parish, Louisiana, that is owned by Trunkline LNG Company, LLC (Trunkline LNG), a wholly-owned subsidiary of Southern Union Company.

country with which the United States currently has, or in the future may enter into, a free trade agreement (FTA) requiring national treatment for trade in natural gas;² and (2) any country with which the United States does not have an FTA requiring national treatment for trade in natural gas with which trade is not prohibited by United States law or policy. The Application was filed under Section 3 of the Natural Gas Act, as amended by section 201 of the Energy Policy Act of 1992 (NGA). Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section of this notice no later than 4:30 p.m., eastern time, August 12, 2011.

ADDRESSES:

Electronic Filing

E-mail: fergas@hq.doe.gov.

Regular Mail

U.S. Department of Energy (FE-34), Office of Natural Gas Regulatory Activities, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026-4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.)

U.S. Department of Energy (FE-34), Office of Natural Gas Regulatory Activities, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine Moore or Lisa Tracy, U.S. Department of Energy (FE-34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478; (202) 586-4523.

Edward Myers, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6B-256, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-3397.

SUPPLEMENTARY INFORMATION:

² The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Nicaragua, Mexico, Morocco, Oman, Peru, and Singapore.

may prevent additional regulations on these fisheries in the future.

Dated: June 8, 2011.

Margo Schulze-Haugen,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011-14622 Filed 6-10-11; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Kennecott Utah Copper LLC Tailings Expansion Project, Near Magna, Salt Lake County, UT, Permit Application Number SPK-2009-1213

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers, Sacramento District (Corps), will prepare an Environmental Impact Statement (EIS) for the proposed Kennecott Utah Copper Tailings Expansion Project, an expansion of an active commercial mining operation near Magna, Salt Lake County, UT. Kennecott Utah Copper LLC (KUC) has applied for a Department of the Army (DA) permit to fill approximately 721 acres of waters of the United States, including wetlands, to construct the project. The basic project purpose is surface mining. The overall project purpose is to increase tailings storage capacity for future mine life extensions.

ADDRESSES: Please send written comments to John Urbanic, U.S. Army Corps of Engineers, Sacramento District, 533 West 2600 South, Suite 150, Bountiful, UT 84010.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS can be answered by John Urbanic, (801) 295-8380, extension 11; e-mail: john.e.urbanic@usace.army.mil. Please refer to identification number SPK-2009-01213.

SUPPLEMENTARY INFORMATION: KUC has applied for a DA permit under Section 404 of the Clean Water Act to expand their existing tailings impoundment and to construct an additional tailings storage facility (TSF) and related infrastructure on a 1992-acre parcel approximately ten miles west of Salt Lake City near the community of Magna, UT. The proposed action involves two phases that, according to the applicant, would provide the necessary tailings storage capacity to extend the life of the

Bingham Canyon Mine (Mine) through 2039. In Phase 1 KUC would continue using the existing North TSF while increasing the height of the North TSF impoundment beyond the currently permitted design. KUC would also construct and begin using a new impoundment, the Northeast TSF, on adjacent KUC property to the east. In Phase 2 KUC would extend tailings deposition from the North TSF onto a portion of the existing South TSF. Ancillary work that would occur includes: the relocation of existing utilities (power, fiber optic, etc.), ditches, secondary or tertiary roads, and a 4-mile long segment of a railroad line; preparation of the foundation and placement of drainage blanket material under the embankment footprint for the Northeast TSF; construction of engineered structures (prior to placing tailings on the South TSF), dikes and ditches for the facilities; and modification of the tailings distribution and return water systems.

Approximately 774 acres of waters of the United States (waters), including wetlands, have been identified on the proposed project site. The area of impacted wetlands includes 488 acres of vegetated saline playa and 76.9 acres of emergent wetlands. Impacted non-wetland waters include 139.8 acres of unvegetated (< 5% vegetative cover) saline playa and 16.1 acres of other jurisdictional waters and drainages. In total, the applicant has applied for a DA permit to fill 565 acres of wetlands and 156 acres of non-wetland waters. In addition, the Corps will be evaluating supplemental delineation information characterizing approximately 200 additional acres of potential waters that may be impacted by ancillary work.

The EIS will include an evaluation of a reasonable range of alternatives. Currently, the following alternatives are expected to be analyzed in detail: (1) The no action alternative (no permit issued) and (2) the applicant's preferred project (proposed action). The no action alternative assumes limited development would occur on the site with all waters of the United States avoided. In addition to the proposed action, the Corps anticipates evaluating additional on-site and off-site alternatives for potential detailed analysis.

The Corps' scoping process for the EIS includes a public involvement program with several opportunities to provide oral and written comments. In addition to public meetings and notifications in the **Federal Register**, the Corps will issue public notices when the draft and final EISs are available. Affected federal, state, and local agencies, Native

American tribes, and other interested private organizations and parties are invited to participate.

Potentially significant issues to be analyzed in the EIS include, but are not limited to impacts to waters, hydrology, water supply, water quality, cultural resources, biological resources, traffic and transportation, and air quality.

The Corps is the lead federal agency for preparation of the EIS under the requirements of the National Environmental Policy Act (NEPA). The Corps may invite other Federal, State, local agencies, and tribes to be cooperating agencies.

Other environmental review and consultation requirements for the proposed action include the need for the applicant to obtain water quality certification under Section 401 of the Clean Water Act from the Utah Division of Water Quality. The proposed project will not affect any federally listed threatened or endangered species; however, it may affect state-listed special status species. Once a habitat assessment of the areas has been completed, the Corps will consult with state and Federal wildlife agencies. In addition, the Corps will also be consulting with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act concerning properties listed, or potentially eligible for listing, on the National Register of Historic Places.

Interested parties may register for the Corps' public notice e-mail notification lists at: <http://www.spk.usace.army.mil/regulatory/pnlist.html>.

Public Scoping Meetings. The Corps will hold four public scoping meetings in several communities with proximity to the mining operation. The first meeting will be held on June 21, 2011, from 6-8:30 p.m. at the Webster Community Center, 8952 West 2700 South, Magna, Utah. The second meeting will be held on June 22, 2011, from 6-8:30 p.m. at Malouf Hall, Room 201, Westminster College, 1840 South 1300 East, Salt Lake City, Utah. The third meeting will be held on June 29, 2011, from 6-8:30 p.m. Hampton Inn and Suites, 3923 West Center Park Drive, West Jordan, Utah. The fourth meeting will be held on June 30, 2011, from 6-8:30 p.m. at Stansbury Park High School, 5300 North Aberdeen, Stansbury Park, Utah. Interested parties can provide oral and written comments at the meetings. Interested parties may also submit written comments on this notice. Scoping comments may be submitted at any time prior to publication of the Draft EIS.